

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

JOSEPH F. MANSFIELD,)
v. Plaintiff) No. 3:13-0228
THE HOME DEPOT U.S.A., INC.,) Judge Campbell/Brown
Defendant) Jury Demand

O R D E R

A telephone conference was held at the request of the parties in this matter on April 3, 2014. The parties advised that Plaintiff still has serious back pain following surgery on his back. He advised that he is continuing to meet with his doctors. He has scheduled an additional MRI and may elect to have additional surgery. Scheduling of his additional surgery is somewhat problematic because his previous surgery had to be delayed at one point because of a low platelet count.

The Defendant advised that they wanted to take an IME of the Plaintiff before he had the second surgery, as part of their defense is that some or all of the back injury may not be related to the accident at Home Depot as he alleges.

The Defendant may schedule an IME and the Magistrate Judge recommends they do so as soon as practicable. The Magistrate Judge will not require the Plaintiff to delay surgery given his back pain, pending the completion of an IME. If the IME can be completed before he undergoes a second surgery, so be it.

Because of the likelihood of this second surgery, it appears that the present discovery deadlines (Docket Entry 28) must be extended. Discovery may continue until new dates are set.

As soon as the issue of the Plaintiff's surgery is resolved, and a time frame for his maximum medical recovery can be estimated, the parties are directed to contact the Magistrate Judge for new discovery deadlines. In all likelihood the Magistrate Judge will have to request a new trial date from Judge Campbell if the parties contemplate dispositive motions.

It is so ORDERED.

/s/ Joe B. Brown
JOE B. BROWN
United States Magistrate Judge